

REMARKS

This is intended as a full and complete response to the Office Action dated February 9, 2010, having a shortened statutory period for response set to expire on May 9, 2010. Please reconsider the claims pending in the application for reasons discussed below.

Claims 43-49 and 51-58 are pending in the application and remain pending following entry of this response. Claims 43, 49 and 54-56 have been amended. Applicants submit that the amendments claims do not introduce new matter.

Further, Applicants are not conceding in this application that those amended (or canceled) claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the claimed subject matter. Applicants respectfully reserve the right to pursue these (pre-amended or canceled claims) and other claims in one or more continuations and/or divisional patent applications.

Claim Rejections - 35 U.S.C. § 112

Claims 43, 48, 54, and 55 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

While Applicants neither agree nor disagree with the rejection, Applicants have made clarifying amendments in an effort to move prosecution forward. The amendments are believed to obviate the rejection.

Claim Rejections - 35 U.S.C. § 103

Claims 43-47 and 52-54 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Schmid et al.*, U.S. Patent No. 6.438.578 (hereinafter *Schmid*), in view of *Gupta et al.*, U.S. Patent No. 6.487.538 (hereinafter *Gupta*), in further view of *Bandera et al.*, U.S. Patent No. 6.332.127 (hereinafter *Bandera*).

Claims 48, 49, 51, 55, and 56 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Schmid*, *Thompson*, and *Gupta*, in further view of in view of *Subramaniam et al.*, U.S. Patent No. 6.081.900 (hereinafter *Subramaniam*).

Claim 57 and 58 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Schmid*, *Thompson*, and *Gupta*, in further view of in view of *Subramaniam*.

Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2141. Establishing a *prima facie* case of obviousness begins with first resolving the factual inquiries of *Graham v. John Deere Co.*, 383 U.S. 1 (1966). The factual inquiries are as follows:

- (A) determining the scope and content of the prior art;
- (B) ascertaining the differences between the claimed invention and the prior art;
- (C) resolving the level of ordinary skill in the art; and
- (D) considering any objective indicia of nonobviousness.

Once the *Graham* factual inquiries are resolved, the Examiner must determine whether the claimed invention would have been obvious to one of ordinary skill in the art.

As amended claim 43 recites transmitting the redirection information to the requesting device without transmitting the secondary content from the intercepting communications device to the requesting device; wherein receipt of the redirection information by the requesting device controls the requesting device to issue a first request for the secondary content based on the first redirection code and wherein receipt of a command from a source of the secondary content by the requesting device controls the requesting device to issue a second request for the initial content based on the second redirection code, wherein the receipt of the command occurs subsequent to issuing the first request. Claims 54 and 55 include similar limitations.

In contrast, *Schmid* discloses that the network client issues an initial request to a network server that returns an instruction to the network client that causes the network client to send another request for the initial content and then send a request for supplemental information. Thus, *Schmid* does not cause the network client to request the supplemental information before requesting the initially requested content. Further, the network client is configured to issue its subsequent requests only by the network server, as opposed to a different entity such as the provider of the supplemental information.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully requests that the claims be allowed.

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Respectfully submitted, and
S-signed pursuant to 37 C.F.R. 1.4,
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